HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No.2906 of 2007

PETITIONERS DEFENDANT No.2 & 3	1.	Smt. Leela Agrawal W/o Late Vishnu Prasad.
	2.	Minor Akakash Agrawal Aged 13 years, S/o Late Vishnu Prasad through guardian mother Smt. Leela Devi Agrawal, R/o – Plot No.242, Kosabadi, Korba, Tah. & Distt. Korba (C.G.)
		Versus
RESPONDENTS PLAINTIFF	1.	Radhe Shyam Agrawal Aged – 48 Years, S/o Indrajmal Agrawal R/o-Plot No.242, Kosabadi, Distt. Korba – (C.G.)
Defendant No. 1	2.	Municipal Corporation, Korba Through – Commissioner Municipal Corporation, Distt. – Korba (C.G.)

Petition U/A 227 of the Constitution of India

Single Bench : Hon'ble Shri Justice Satish K. Agnihotri

Present : Shri Ravish Verma, counsel for the petitioners.

ORAL ORDER
(Passed on 10th May, 2007)

By this petition, the petitioners have questioned the order dated 17.08.05 passed by Additional District Judge, Korba, Chhattisgarh in application u/o 39 rule 1 & 2 of Civil Suit No.33-A/2005[4-A/2007] on the ground that the petitioners have not questioned the legality of this order immediately as the petitioners were under the impression that suit might be disposed of expeditiously. Learned counsel for the petitioners further submits that the delay, if any, is not inordinate.

2. Be that as it may, the order passed by the Court below has no perversity, illegality or irregularity. It is well settled that this Court cannot go into the merits of the decision so taken in exercise of its jurisdiction under Article 227 of the Constitution of India but only the procedure for taking such decision is required to be considered. Thus, there is no procedural irregularity so as to call for any interference with the impugned order. Accordingly, the petition is dismissed summarily.

Sd/-
Satish K. Agnihotri
Judge

Indu